

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent we proceed to the resolution, it be read three times and pass, and the motion to reconsider be laid upon the table.

Mr. BYRD. I did not hear the request. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I did not hear the request. The PRESIDING OFFICER. The request is that the resolution be considered read three times, passed, and the motion to reconsider be laid upon the table.

The Chair asked twice if there was objection, and hearing none, the resolution has been considered passed, and the motion to reconsider is laid upon the table.

The joint resolution (S.J. Res. 42) was read the third time and passed, as follows:

S.J. RES. 42

In the conference to accompany H.R. 4818, House report 108-792, Section 222 of Title II of Division H, Departments of Transportation and Treasury, Independent Agencies, and General Government Appropriations Act, 2005, shall have no force and effect.

Mr. MCCAIN. Parliamentary inquiry: What is the effect of what was just agreed to?

Mr. STEVENS. May I answer that?

Mr. MCCAIN. I withdraw my parliamentary inquiry. I have an understanding from our capable staff.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). The Senate is in a period of morning business, with Senators allowed to speak for up to 10 minutes. Who seeks time?

The Senator from West Virginia.

THE APPROPRIATIONS PROCESS

Mr. BYRD. Mr. President, the Senator from Alaska and I have, for months, been importuning the Senate, the leadership, and anyone else who will listen, not to end this session with the passage of an Omnibus appropriations bill. I have, for years, opposed passage of Omnibus appropriations bills.

We have seen within these last few years, especially, this excrescence on the skin of the body politic grow until now it has become malignant.

I warned and warned and warned against Omnibus appropriations bills. I have complained that the leadership of the body has not worked diligently to prevent our being caught with our backs against the wall at the end of the session and with the absolute necessity at that point to act in haste and to act upon many appropriations bills at once, with all that portends. That makes it difficult, if not impossible, for Members to examine what is in the bill.

So much of this is done at the hour of midnight and beyond. Staffs have to

read through these bills and work on them, and Senators who cannot do that have to depend upon the work of those staffs. They are literally dead, as it were, with fatigue when they do this job this way.

I have, time and time again, said to Senator STEVENS: I hope we will avoid Omnibus appropriations bills. There is no good served with Omnibus appropriations bills. When that happens, we invite the executive branch into the exercise. It seems my colleagues, so many of them on both sides of the aisle, do not view that as a danger to the Senate, a danger to the constitutional system, and really a danger to the liberties of the people.

We should pass 13 appropriations bills every year. I said that time and time and time again. The distinguished chairman of the Appropriations Committee at this moment, Senator STEVENS, has done his level best to get 13 appropriations bills passed and brought to the floor.

But I tell you, my friends, we have lost too much time with other things that could have waited, and now we find ourselves in the bind, when we do not have enough time to do the proper work on these appropriations bills. I am sick of this process. I am ashamed of it. I do not know if there will ever be a better example of what can happen, what can go wrong with this nefarious process of putting off legislation.

Appropriations bills are the only bills we actually have to pass. They are bills to keep the Government running. This has to do with the oversight process, the examination of witnesses through the appropriations hearings. This is the absolute best form of oversight, when we can say to a witness from the administration, whatever administration it is: How have you done under this qualification here, that you would be limited to such and such, a number of dollars? What have you done? What has been the result? We are strangulating this oversight tool. We are wiping it out when we do not bring to the floor these bills on time.

We get to the pass here. This is the pass. And we are cut off at the pass. Oh, we have to do this. We have to do this. We need to cut the time on the bill. We need to limit ourselves. Here in this case, only two of these appropriations bills have ever passed the Senate. Only two this year, right?

Mr. STEVENS. Four, Senator.

Mr. BYRD. Four passed the Senate. In any event, only two of the nine bills that are in the omnibus have passed the Senate.

Mr. STEVENS. That is correct.

Mr. BYRD. Now, that is a shame. That is a disgrace upon the escutcheon of the Senate. I am greatly concerned about that process. I have been, and I have many times expressed it to my dear friend, TED STEVENS, who has worked his tail off in trying to get these bills through the committee and through the Senate.

Now, we cannot go on like this. We just cannot go on like this. I hope

other Senators and I hope the leadership on both sides will see what can happen when we are brought to the wall, with our backs to the wall, and we have to ram through such important legislation without giving it careful consideration because we do not have the time and we rush these—can you imagine what is happening to the process when we approve appropriations bills in the Senate Committee on Appropriations and then do not bring those bills to the Senate? We do not bring those bills to the Senate.

I will tell you, friends, I have been in this body now 46 years this year, and it was never that way in the old times. We always passed the appropriations bills. I believe you will find on the record, we passed them, with my help, on both sides of the aisle. I never did anything by myself. It was an absolute cooperation between both sides of the aisle in the Appropriations Committee. We did not have all of the recriminations and the fault finding. We worked together, and we brought those 13 bills to the floor, and we acted on them.

Something badly wrong is happening to the appropriations process in the Senate, and I hope and plead with my colleagues that we take a good look at what is happening and that we all, as it were, rise up in arms against this way of pushing everything to the end of the session.

We have squandered time. You remember the filibuster one night we had here? Remember the filibuster one night? Well, that is just one example of how we have foolishly squandered our time. And we have not been in here 5 days a week working. How about that? We ought to do better.

I feel very, very badly about what has happened here. I never knew anything about this. I never knew this was in the bill until after I got up in the conference today and urged Senators to vote for it.

Mr. STEVENS. Neither did I.

Mr. BYRD. I said: I don't like this process. I don't like the fact that the minority is being shut out—at least one stage. I do not think the minority should ever be shut out. That is not in the book of the legislative process. That is not in the legislative process as I taught it over at American University. That is not in the legislative process as I learned it from those who came before me. That is not in the legislative process as it was when I was the majority leader.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for an additional 10 minutes, if necessary.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I thank the Chair and I thank all Senators.

And so it is a terrible albatross around the neck of the Senate, and it is a terrible disservice to the people of these United States, who need to have their Senators examine bills carefully.